

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARCEL C. BRISTOL,

Plaintiff(s),

**ORDER**

CV 08-3480 (JFB)(WDW)

-against-

NASSAU COUNTY,

Defendant(s).

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**WALL, Magistrate Judge:**

Before the court is a motion by the defendant to stay discovery until a pending state court criminal proceeding against the defendant, which is directly related to his claims in this lawsuit, is concluded. DE[27]. The motion is opposed by the plaintiff. DE[28]. The motion is GRANTED.

In his complaint, the plaintiff makes several claims, including claims for false arrest, false imprisonment and malicious prosecution. The Supreme Court has held that “if a state criminal defendant brings a federal civil-rights lawsuit during the pendency of his criminal trial . . . abstention may be an appropriate response to the parallel state- court proceedings.” *See Heck v. Humphrey*, 512 U.S. 477, 487 n.8 (1994) (citing *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800 (1976)). The Supreme Court has also held that “[i]f a plaintiff files a false-arrest claim before he has been convicted (or files any other claim related to rulings that will likely be made in a pending or anticipated criminal trial), it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended.” *Wallace v. Kato*, 549 U.S. 384, 393-94 (2007).

Discovery in this action is stayed pending the outcome of the related state criminal proceeding. **The defendant is directed to serve a copy of this order on the pro se plaintiff**

**upon receipt.**

Dated: Central Islip, New York  
April 8, 2009

**SO ORDERED:**

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge